

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
File No. 5:09-CV-043**

VANESSA BEASLEY, *on behalf of herself  
and all others similarly situated,*

Plaintiff,

v.

SESSOMS & ROGERS, P.A., LEE C.  
ROGERS, and PALISADES COLLECTION,  
LLC,

Defendants.

**DEFENDANTS' MOTION TO DISMISS  
PURSUANT TO RULE 12(b)(6), FED. R. CIV. P.**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Sessoms & Rogers, P.A., Lee C. Rogers, and Palisades Collection, LLC, move this Court to dismiss with prejudice all claims in Plaintiff Vanessa Beasley's Complaint (Docket no. 1), for failure to state a claim upon which relief can be granted.

Plaintiff's putative class action claims, brought under the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. §§ 1692 *et seq*, revolve around a single debt collection letter, attached as an exhibit to the Complaint. As set forth in detail in Defendants' Memorandum of Law in support of this Motion, the debt collection letter complies with the requirements of the FDCPA, and the allegations of the Complaint fail to show any violation of the FDCPA. Thus Plaintiff's own Complaint makes clear on its face that Plaintiff's claims under the FDCPA fail as a matter of law, and the Complaint should therefore be dismissed.

WHEREFORE, Defendants Sessoms & Rogers, P.A., Lee C. Rogers, and Palisades Collection, LLC respectfully request the Court enter an Order dismissing this case with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and awarding Defendants such other and further relief as the Court deems just and proper.

Dated: June 19, 2009

Moore & Van Allen PLLC

/s/ Jeffrey M. Young

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## CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing **Defendants' Motion to Dismiss** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Angela Orso Martin, Esq.  
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Dated: June 19, 2009

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